

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

JOE JUAN GARCIA,

Petitioner,

VS.

TEXAS BOARD OF PARDONS AND  
PAROLES, *et al*,

Respondents.

§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. C-08-329

**ORDER ADOPTING MEMORANDUM AND  
RECOMMENDATION TO GRANT  
RESPONDENT'S MOTION FOR SUMMARY JUDGMENT**

On May 7, 2009, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending as follows:

- 1) that petitioner's habeas petition (D.E. 1) be dismissed with prejudice regarding the January 23, 2008 denial of mandatory supervised release;
- 2) that the petition be dismissed without prejudice insofar as it challenges the December 2, 2008 denial of mandatory supervised release; and
- 3) that petitioner be denied a certificate of appealability.


Seeing no objection to this recommendation by either party and having now reviewed the recommendation, this Court hereby adopts as its own the Memorandum and Recommendation as the decision of the Court. Accordingly, it is ORDERED as follows:

- 1) petitioner's habeas petition is dismissed with prejudice regarding the January 23, 2008 denial of mandatory supervised release;
- 2) the petition is dismissed without prejudice insofar as it challenges the December 2, 2008 denial of mandatory supervised release; and

3) petitioner is denied a certificate of appealability.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 17th day of June, 2009.

  
\_\_\_\_\_  
Janis Graham Jack  
United States District Judge